

6TH SPECIAL SESSION**HOUSE JOURNAL****FIRST DAY***** * ***

The House was called to order by Speaker Stephens at 10:10 a.m.

Roll call showed all members present, except Representative Lamont Tyler, excused.

Pledge of Allegiance and prayer by Representative John Swallow.

On motion of Representative Hatch, the House voted to continue with the same organization for the Sixth Special Session of the 54th Legislature as set up and constituted during the Fifth Special Session of the Legislature insofar as it pertains to the Speakership, Majority Leadership, with the exception of the Majority Leader, and Minority Leadership.

Speaker Martin R. Stephens appointed Carole E. Peterson as Chief Clerk.

The Chief Clerk read the certification and proclamation.

CERTIFICATION

I, OLENE S. WALKER, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under date of December 9th, 2002 and signed by Governor Michael O. Leavitt, is a true and correct copy of the original Proclamation calling the Fifty-fourth Legislature of the State of Utah into a Special Session at the State Capitol at Salt Lake City, Utah, on the 18th day of December, 2002, at 10:00 a.m., for the purpose named in the Proclamation.

I FURTHER CERTIFY THAT the membership of the Utah State House of Representatives has not changed from that of the 2002 General Session, except that Mike Morley was appointed by the Governor on September 17, 2002 to fill the vacancy in House District 66, due to the resignation of Representative Glenn Way.

IN TESTIMONY WHEREOF,
I have hereunto set my hand and
caused to be affixed the Great
Seal of the State of Utah. Done
at the State Capitol in Salt Lake
City, Utah, this 9th day of
December, 2002.

Olene S. Walker
Lieutenant Governor

Communication filed.

PROCLAMATION

WHEREAS, since the adjournment of the 2002 General Session of the Fifty-Fourth Legislature of the State of Utah, matters have arisen which require immediate legislative attention; and

WHEREAS, Article VII, Section 6 of the Constitution of the State of Utah provides that the Governor may, by proclamation, convene the Legislature into Special Session;

NOW, THEREFORE, I, MICHAEL O. LEAVITT, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and the Laws of the State of Utah, do by this Proclamation call the Fifty-fourth Legislature of the State of Utah into a Sixth Special Session at the State Capitol at Salt Lake City, Utah, on the 18th day of December, 2002, at 10:00 a.m., for the following purposes:

1. To fund the Fiscal Year 2003 budget shortfall.

2. And, to consider such other measures as may be brought to the attention of the Legislature by supplemental communication from the Governor before or during the Special Session hereby called.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the State Capitol in Salt Lake City, Utah, this 9th day of December, 2002.

Michael O. Leavitt
Governor

Olene S. Walker
Lieutenant Governor

Communication filed.

MISCELLANEOUS BUSINESS

On motion of Representative Bradshaw, the House voted to adopt the same House Rules and Joint Rules for the Sixth Special Session of the 54th Legislature as adopted in the Annual General Session of 2002.

On motion of Representative Becker, the House voted to authorize the Speaker to appoint a committee to wait upon the Senate to inform that Honorable Body that the House is organized and ready to do business. The Speaker appointed Representatives Adair, Ray, and Beshear.

On motion of Representative Curtis, the House voted to authorize the Speaker to appoint a committee to act with a like committee from the Senate to wait upon the Governor to inform His Excellency that the Legislature is organized and ready to receive any communication or message he may have to offer. The speaker appointed Representatives Saunders, Bradshaw, and Beck.

On motion of Representative Hatch, the House voted, as provided by the Utah Constitution, to suspend the reading of the full title of all bills and resolutions on the House calendar as they are read the first time and introduced, as bills and resolutions are considered on second reading, third reading, and consent calendars, and further that this suspension apply to all bills and resolutions introduced during the remainder of this legislative session, except that any Representative request the reading of the full title of any House or Senate bill or resolution.

Representative Saunders informed the House of Representatives that the joint committee had waited upon the Governor and informed him that the Legislature was organized and ready to do business.

Representative Adair informed the House of Representatives that his committee had waited upon the Senate and informed them that the House was organized and ready to do business.

Senators Gladwell, Julander and Bramble formally notified the House of Representatives that the Senate was organized and ready to do business.

MISCELLANEOUS BUSINESS

On motion of Representative Hatch, the House voted to recess until 11:00 a.m.

Speaker Stephens called the House to order at 11:40 a.m.

INTRODUCTION OF BILLS**SUPPLEMENTAL APPROPRIATIONS ACT V****H.B. 6001***Jeff Alexander*

THIS ACT FUNDS APPROPRIATIONS AND REDUCTIONS FOR THE OPERATION OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2002 AND ENDING JUNE 30, 2003. THE ACT PROVIDES BUDGET INCREASES AND DECREASES FOR THE USE AND SUPPORT OF CERTAIN STATE DEPARTMENTS AND AGENCIES OF STATE GOVERNMENT AND FOR OTHER PURPOSES AS PROVIDED IN THIS ACT, read the first time by short title and referred to the Rules Committee.

GENERAL OBLIGATION BOND PROVISIONS**H.B. 6002***Ralph Becker*

THIS ACT MODIFIES THE BONDING CODE BY AUTHORIZING THE ISSUANCE AND SALE OF ADDITIONAL GENERAL OBLIGATION BONDS BY THE STATE BONDING COMMISSION FOR ADDITIONAL CAPITAL FACILITIES. THIS ACT TAKES EFFECT IMMEDIATELY, read the first time by short title and referred to the Rules Committee.

USE OF TOBACCO PERMANENT TRUST FUND**H.B. 6003***Karen W. Morgan*

THIS ACT APPROPRIATES \$26.4 MILLION FROM THE PERMANENT STATE TRUST FUND CREATED AND OPERATED UNDER UTAH CONSTITUTION ARTICLE XXII, SECTION 4 TO THE GENERAL FUND, FOR FISCAL YEAR 2002-03 ONLY. THIS ACT REQUIRES A THREE-QUARTERS MAJORITY VOTE IN EACH HOUSE OF THE LEGISLATURE AND APPROVAL OF THE GOVERNOR IN ORDER TO TAKE EFFECT. THIS ACT HAS AN IMMEDIATE EFFECTIVE DATE, read the first time by short title and referred to the Rules Committee.

SALES AND USE TAX AMENDMENTS**H.B. 6004***Greg J. Curtis*

THIS ACT AMENDS THE SALES AND USE TAX ACT TO MODIFY THE AMOUNT OF STATE SALES AND USE TAX REVENUE THAT IS ALLOCATED TO CERTAIN FUNDS RELATING TO WATER AND THE

CLASS B AND CLASS C ROADS ACCOUNT. THE ACT REPEALS OBSOLETE LANGUAGE AND MAKES TECHNICAL CHANGES. THIS ACT HAS AN IMMEDIATE EFFECTIVE DATE, read the first time by short title and referred to the Rules Committee.

EDUCATION TESTING AMENDMENTS

H.B. 6005

Matt Throckmorton

THIS ACT MODIFIES STATUTES GOVERNING ACHIEVEMENT TESTING FOR PUBLIC EDUCATION STUDENTS BY ELIMINATING THE REQUIREMENT TO INCLUDE CONSTRUCTED RESPONSE TEST ITEMS IN CERTAIN ACHIEVEMENT TESTS. THIS ACT DIRECTS THAT THE SAVINGS RESULTING FROM THAT CHANGE BE USED TO PAY THE COSTS OF ONLINE TEST ADMINISTRATION. THIS ACT TAKES EFFECT IMMEDIATELY, read the first time by short title and referred to the Rules Committee.

On motion of Representative Hatch, under suspension of the rules, the House voted to consider **H.B. 6001, H.B. 6002, H.B. 6003, H.B. 6004, and H.B. 6005** read the second and placed on Third Reading Calendar.

THIRD READING CALENDAR

H.B. 6001, SUPPLEMENTAL APPROPRIATIONS ACT V, read the third time by short title and placed on its final passage.

On motion of Representative Hatch, the House voted to circle **H.B. 6001**.

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H.B. 6002, GENERAL OBLIGATION BOND PROVISIONS, read the third time by short title and placed on its final passage.

On motion of Representative Hatch, the House voted to circle **H.B. 6002**.

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H.B. 6003, USE OF TOBACCO PERMANENT TRUST FUND, read the third time by short title and placed on its final passage.

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MISCELLANEOUS BUSINESS

On motion of Representative Hatch, the House voted to recess until 1:00 p.m.

Speaker Stephens called the House to order at 4:25 p.m.

CERTIFICATE

I, OLENE S. WALKER, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Supplemental Proclamation issued under date of December 18th, 2002, and signed by Governor Michael O. Leavitt, is a true and correct copy of the original Supplemental Proclamation adding to the purposes of the 6th Special Session of the Fifty-Fourth Legislature of the State of Utah at the State Capitol at Salt Lake City.

IN TESTIMONY WHEREOF,
I have hereunto set my hand and
caused to be affixed the Great
Seal of the State of Utah. Done
at the State Capitol in Salt Lake
City, Utah, this 18th day of
December, 2002.

Olene S. Walker
Lieutenant Governor

Communication filed.

SUPPLEMENTAL PROCLAMATION

PURSUANT to item 2 of the proclamation issued December 9, 2002, calling the Legislature into a sixth special session, I add the following items to the agenda:

1. To consider a resolution honoring Murray City on its centennial.
2. To consider modifying provisions relating to counties to change the effective date of county annexations and to provide for the pro rata sharing of revenues, fees, and charges.

IN TESTIMONY WHEREOF,
I have hereunto set my hand and
caused to be affixed the Great
Seal of the State of Utah. Done

at the State Capitol in Salt Lake City, Utah, this 18th day of December, 2002.

Michael O. Leavitt
Governor

Olene S. Walker
Lieutenant Governor

Communication filed.

INTRODUCTION OF BILLS

BUDGET REALLOCATION AUTHORITY

H.B. 6006

Ron Bigelow

THIS ACT ENACTS AN UNCODIFIED STATUTE THAT DIRECTS AGENCIES TO ANALYZE AND MAKE RECOMMENDATIONS TO THE LEGISLATURE ABOUT IDEAL ALLOCATION OF MONIES BETWEEN LINE ITEMS AND PROGRAMS. THIS ACT TAKES EFFECT IMMEDIATELY, read the first time by short title and referred to the Rules Committee.

COUNTY ANNEXATION AMENDMENTS

H.B. 6007

Bradley T. Johnson

THIS ACT MODIFIES PROVISIONS RELATING TO COUNTIES TO CHANGE THE EFFECTIVE DATE OF COUNTY ANNEXATIONS AND TO PROVIDE FOR THE PRO RATA SHARING OF REVENUES, FEES, AND CHARGES BETWEEN THE ANNEXING COUNTY AND THE COUNTY IN WHICH THE AREA PROPOSED TO BE ANNEXED IS LOCATED BEFORE ANNEXATION. THE ACT ALSO PROVIDES AN EFFECTIVE DATE AND MAKES TECHNICAL CHANGES, read the first time by short title and referred to the Rules Committee.

RESOLUTION RECOGNIZING CENTENNIAL OF MURRAY CITY

H.C.R. 601

Chad E. Bennion

THIS CONCURRENT RESOLUTION OF THE LEGISLATURE AND THE GOVERNOR RECOGNIZES THE CENTENNIAL OF MURRAY CITY AND EXTENDS BEST WISHES TO MURRAY CITY AND ITS CITIZENS, read the first time by short title and referred to the Rules Committee.

On motion of Representative Ure, under suspension of the rules, the House voted to consider **H.B. 6006**, **H.B. 6007**, and **H.C.R. 601** read the second time by short title and placed on Third Reading Calendar.

THIRD READING CALENDAR

H.B. 6003, USE OF TOBACCO FUNDS, was before the House on its final passage.

On motion of Representative Hatch, the House voted to circle **H.B. 6003**.

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H.B. 6004, SALES AND USE TAX AMENDMENTS, read the third time by short title and placed on its final passage.

On motion of Representative Hatch, the House voted to circle **H.B. 6004**.

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H.B. 6005, EDUCATION TESTING AMENDMENTS, read the third time by short title and placed on its final passage.

On motion of Representative Hatch, the House voted to circle **H.B. 6005**.

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H.B. 6006, BUDGET REALLOCATION AUTHORITY, read the third time by short title and placed on its final passage.

H.B. 6006 then passed on the following roll call:

Yeas, 73; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Representatives

Aagard	Adair	Adams	Alexander
S. Allen	Anderson	Arent	Barrus
Beck	Becker	Bennion	Beshear
Bigelow	Biskupski	Bourdeaux	Bowman
Bradshaw	Bryson	Buffmire	Bush
Buttars	D. Clark	S. Clark	D. Cox
Curtis	Daniels	Dayton	Dillree
Donnelson	Duckworth	Ferrin	Ferry
Fife	Goodfellow	Gowans	Hansen

Harper	Hatch	Hendrickson	Hogue
Holdaway	E. Hutchings	B. Johnson	Jones
King	Litvack	Lockhart	Mascaro
McCartney	Morgan	Morley	Moss
Murray	Newbold	Pace	Parker
Peterson	Philpot	Ray	Saunders
Seitz	Shurtliff	Siddoway	G. Snow
Styler	Swallow	Thompson	Throckmorton
Ure	Urquhart	Wallace	Young
M. Stephens			

Absent or not voting were: Representatives

Tyler Winn

H.B. 6006 transmitted to the Senate for its consideration.

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H.B. 6007, COUNTY ANNEXATION AMENDMENTS, read the third time by short title and placed on its final passage.

H.B. 6007 then passed on the following roll call:

Yeas, 72; Nays, 2; Absent or not voting, 1.

Voting in the affirmative were: Representatives

Aagard	Adair	Adams	Alexander
S. Allen	Anderson	Arent	Barrus
Beck	Becker	Bennion	Beshear
Bigelow	Biskupski	Bourdeaux	Bowman
Bradshaw	Bryson	Buffmire	Bush
Buttars	D. Clark	S. Clark	D. Cox
Curtis	Daniels	Dayton	Dillree
Donnelson	Duckworth	Ferrin	Ferry
Fife	Goodfellow	Gowans	Hansen
Harper	Hatch	Hendrickson	Hogue
Holdaway	E. Hutchings	B. Johnson	Jones
Litvack	Lockhart	Mascaro	McCartney
Morgan	Morley	Moss	Murray
Newbold	Pace	Parker	Peterson
Philpot	Ray	Saunders	Seitz
Shurtliff	Siddoway	G. Snow	Styler
Swallow	Thompson	Throckmorton	Ure
Urquhart	Wallace	Winn	M. Stephens

Voting in the negative were: Representatives

King Young

Absent or not voting was: Representative

Tyler

H.B. 6007 transmitted to the Senate for its consideration.

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H.C.R. 601, RESOLUTION RECOGNIZING CENTENNIAL OF MURRAY CITY, read the third time by short title and placed on its final passage.

H.C.R. 601 then passed on the following roll call:

Yeas, 73; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Representatives

Aagard	Adair	Adams	Alexander
S. Allen	Anderson	Arent	Barrus
Beck	Becker	Bennion	Beshear
Bigelow	Biskupski	Bourdeaux	Bowman
Bradshaw	Bryson	Buffmire	Bush
Buttars	D. Clark	S. Clark	D. Cox
Curtis	Daniels	Dayton	Dillree
Donnelson	Duckworth	Ferrin	Ferry
Fife	Goodfellow	Gowans	Hansen
Harper	Hatch	Hendrickson	Hogue
Holdaway	E. Hutchings	B. Johnson	Jones
King	Litvack	Lockhart	Mascaro
McCartney	Morgan	Morley	Moss
Murray	Newbold	Pace	Parker
Peterson	Philpot	Ray	Saunders
Seitz	Shurtliff	Siddoway	G. Snow
Swallow	Thompson	Throckmorton	Ure
Urquhart	Wallace	Winn	Young
M. Stephens			

Absent or not voting were: Representatives

Styler Tyler

H.C.R. 601 transmitted to the Senate for its consideration.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker: December 18, 2002

The Senate passed **S.B. 6001**, GENERAL OBLIGATION BONDS, by Senator B. Evans, and it is transmitted for consideration; and

The Senate passed **S.B. 6002**, FIRE ACADEMY SUPPORT ACCOUNT AMENDMENTS, by Senator J. Valentine, and it is transmitted for consideration.

Annette B. Moore
Secretary of the Senate

Communications filed. **S.B. 6001** and **S.B. 6002**, read the first time by short title and referred to the Rules Committee.

On motion of Representative Hatch, under suspension of the rules, the House voted to consider **S.B. 6001** and **S.B. 6002** read the second time by short title and placed on Third Reading Calendar.

UNFINISHED BUSINESS

On motion of Representative Throckmorton, the House voted to uncircle **H.B. 6005**.

H.B. 6005, EDUCATION TESTING AMENDMENTS, was before the House on its final passage.

On motion of Representative Throckmorton, the bill was amended as follows:

1. Page 1, Lines 7-8:
Delete "This act directs that the savings resulting from that change be used to pay the costs of online test administration."
2. Page 3, Lines 76-79:
Delete lines 76-79 and renumber accordingly.

H.B. 6005, as amended, then passed on the following roll call:

Yeas, 72; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Representatives

Aagard	Adair	Adams	S. Allen
Anderson	Arent	Barrus	Beck
Becker	Bennion	Beshear	Bigelow
Biskupski	Bourdeaux	Bowman	Bradshaw

Bryson	Buffmire	Bush	Buttars
D. Clark	S. Clark	D. Cox	Curtis
Daniels	Dayton	Dillree	Donnelson
Duckworth	Ferrin	Ferry	Fife
Goodfellow	Gowans	Hansen	Harper
Hatch	Hendrickson	Hogue	Holdaway
E. Hutchings	B. Johnson	Jones	King
Litvack	Lockhart	Mascaro	McCartney
Morgan	Morley	Moss	Murray
Newbold	Pace	Parker	Peterson
Philpot	Ray	Saunders	Seitz
Shurtliff	Siddoway	G. Snow	Styler
Swallow	Thompson	Throckmorton	Ure
Wallace	Winn	Young	M. Stephens

Absent or not voting were: Representatives

Alexander	Tyler	Urquhart
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H.B. 6005, as amended, transmitted to the Senate for its consideration.

MISCELLANEOUS BUSINESS

On motion of Representative Hatch, the House voted to move to the Senate Third Reading Calendar.

THIRD READING CALENDAR

S.B. 6001, GENERAL OBLIGATION BONDS, read the third time by short title and placed on its final passage.

S.B. 6001 then passed on the following roll call:

Yeas, 69; Nays, 5; Absent or not voting, 1.

Voting in the affirmative were: Representatives

Aagard	Adair	Adams	Alexander
S. Allen	Anderson	Arent	Barrus
Beck	Becker	Bennion	Beshear
Bigelow	Biskupski	Bourdeaux	Bowman
Bradshaw	Bryson	Buffmire	Bush
Buttars	D. Clark	S. Clark	D. Cox
Curtis	Daniels	Dillree	Duckworth
Ferrin	Ferry	Fife	Goodfellow
Gowans	Hansen	Harper	Hatch

Hendrickson	Hogue	Holdaway	E. Hutchings
B. Johnson	Jones	King	Litvack
Lockhart	Mascaro	McCartney	Morgan
Moss	Murray	Newbold	Pace
Parker	Peterson	Ray	Saunders
Seitz	Shurtliff	Siddoway	G. Snow
Styler	Swallow	Throckmorton	Ure
Urquhart	Wallace	Winn	Young
M. Stephens			

Voting in the negative were: Representatives

Dayton	Donnelson	Morley	Philpot
Thompson			

Absent or not voting was: Representative

Tyler

S.B. 6001 was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

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S.B. 6002, FIRE ACADEMY SUPPORT ACCOUNT AMENDMENTS, read the third time by short title and placed on its final passage.

S.B. 6002 then passed on the following roll call:

Yeas, 74; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Representatives

Aagard	Adair	Adams	Alexander
S. Allen	Anderson	Arent	Barrus
Beck	Becker	Bennion	Beshear
Bigelow	Biskupski	Bourdeaux	Bowman
Bradshaw	Bryson	Buffmire	Bush
Buttars	D. Clark	S. Clark	D. Cox
Curtis	Daniels	Dayton	Dillree
Donnelson	Duckworth	Ferrin	Ferry
Fife	Goodfellow	Gowans	Hansen
Harper	Hatch	Hendrickson	Hogue
Holdaway	E. Hutchings	B. Johnson	Jones
King	Litvack	Lockhart	Mascaro

McCartney	Morgan	Morley	Moss
Murray	Newbold	Pace	Parker
Peterson	Philpot	Ray	Saunders
Seitz	Shurtliff	Siddoway	G. Snow
Styler	Swallow	Thompson	Throckmorton
Ure	Urquhart	Wallace	Winn
Young	M. Stephens		

Absent or not voting was: Representative

Tyler

S.B. 6002 was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

MISCELLANEOUS BUSINESS

On motion of Representative Becker, the House voted to move to the House Third Reading Calendar.

UNFINISHED BUSINESS

On motion of Representative Becker, the House voted to uncircle **H.B. 6002**.

H.B. 6002, GENERAL OBLIGATION BOND PROVISIONS, was before the House on its final passage.

On motion of Representative Becker, the House voted to lift **H.B. 6002** and return the bill to the Rules Committee.

MISCELLANEOUS BUSINESS

On motion of Representative Hatch, the House voted to recess for the purpose of a caucus.

Speaker Stephens called the House to order at 5:50 p.m.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker: December 18, 2002
The Senate passed **S.B. 6004**, USE OF ATTORNEY GENERAL FUND, by Senator J. Valentine, and it is transmitted for consideration.

Annette B. Moore
Secretary of the Senate

Communication filed. **S.B. 6004**, read the first time by short title. On motion of Representative Curtis, under suspension of the rules, the House voted to

consider **S.B. 6004** read the second time by short title and placed on Third Reading Calendar.

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Mr. Speaker: December 18, 2002

The Senate passed, **H.B. 6006**, BUDGET REALLOCATION AUTHORITY, by Representative R. Bigelow, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 6007**, COUNTY ANNEXATION AMENDMENTS, by Representative B. Johnson, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate

Communications filed. **H.B. 6006** and **H.B. 6007** were signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

THIRD READING CALENDAR

H.B. 6004, SALES AND USE TAX AMENDMENTS, read the third time by short title and placed on its final passage.

On motion of Representative Curtis, the House voted to delete **H.B. 6004** in title and body and insert **Sub. H.B. 6004** in lieu thereof.

Sub. H.B. 6004 then passed on the following roll call:

Yeas, 67; Nays, 6; Absent or not voting, 2.

Voting in the affirmative were: Representatives

Aagard	Adair	Adams	Alexander
S. Allen	Anderson	Arent	Barrus
Beck	Becker	Bennion	Bigelow
Biskupski	Bourdeaux	Bowman	Bradshaw
Buffmire	Bush	Buttars	D. Clark
S. Clark	D. Cox	Curtis	Dayton
Dillree	Donnelson	Duckworth	Ferrin
Ferry	Fife	Goodfellow	Gowans
Hansen	Hatch	Hendrickson	Hogue
Holdaway	E. Hutchings	B. Johnson	Jones
Litvack	Lockhart	Mascaro	McCartney

Morgan	Morley	Moss	Murray
Newbold	Pace	Parker	Peterson
Philpot	Saunders	Seitz	Shurtliff
Siddoway	G. Snow	Styler	Swallow
Thompson	Throckmorton	Ure	Urquhart
Wallace	Winn	M. Stephens	

Voting in the negative were: Representatives

Beshear	Bryson	Daniels	Harper
Ray	Young		

Absent or not voting were: Representatives

King	Tyler
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Sub. H.B. 6004 transmitted to the Senate for its consideration.

UNFINISHED BUSINESS

On motion of Representative Alexander, the House voted to uncircle **H.B. 6001**.

H.B. 6001, SUPPLEMENTAL APPROPRIATIONS ACT V, was before the House on its final passage.

Representative Becker proposed the following amendment:

1. Page 22, Line 852:
After Line 852, insert:

It is the intent of the Legislature that, in the 2003 annual general session, the Legislature consider and evaluate restoring the cuts made in this line item by repealing and reducing certain sales and use tax exemptions, including considering and evaluating:

(1) repealing sales and use tax exemptions for:

- (a) sales of food, beverage, and dairy products from vending machines;
- (b) sales of food products and related services to commercial airline carriers for in-flight consumption;
- (c) sales of media by producers, distributors, or studios to a commercial broadcaster or exhibitor;
- (d) sales or use of property, materials, or services used in pollution control facilities;
- (e) sales of newspapers or newspaper subscriptions;
- (f) sales to a ski resort of electricity to operate a passenger ropeway;
- (g) sales of certain equipment or passenger ropeways to a ski resort;

- (h) sales or rentals of coin-operated amusement devices; and
- (j) sales of cleaning or washing of tangible personal property by a coin-operated car wash machine; and
- (2) reducing sales and use tax exemptions for:
 - (a) sales of certain machinery, equipment, and replacement parts used in manufacturing;
 - (b) sales of tooling, equipment, or parts used in certain aerospace or electronics contracts with the United States government;
 - (c) sales of certain items used to package tangible personal property; and
 - (d) sales of natural gas, electricity, heat, coal, fuel oil, or other fuels for industrial use.

2. Page 23, Line 890:
After Line 890, insert:

It is the intent of the Legislature that, in the 2003 annual general session, the Legislature consider and evaluate restoring the cuts made in this line item by repealing and reducing certain sales and use tax exemptions, including considering and evaluating:

- (1) repealing sales and use tax exemptions for:
 - (a) sales of food, beverage, and dairy products from vending machines;
 - (b) sales of food products and related services to commercial airline carriers for in-flight consumption;
 - (c) sales of media by producers, distributors, or studios to a commercial broadcaster or exhibitor;
 - (d) sales or use of property, materials, or services used in pollution control facilities;
 - (e) sales of newspapers or newspaper subscriptions;
 - (f) sales to a ski resort of electricity to operate a passenger ropeway;
 - (g) sales of certain equipment or passenger ropeways to a ski resort;
 - (h) sales or rentals of coin-operated amusement devices; and
 - (j) sales of cleaning or washing of tangible personal property by a coin-operated car wash machine; and
- (2) reducing sales and use tax exemptions for:
 - (a) sales of certain machinery, equipment, and replacement parts used in manufacturing;
 - (b) sales of tooling, equipment, or parts used in certain aerospace or electronics contracts with the United States government;
 - (c) sales of certain items used to package tangible personal property; and

(d) sales of natural gas, electricity, heat, coal, fuel oil, or other fuels for industrial use.”

Representative Holdaway proposed the following substitute motion to amend as follows:

Refer to Item 1 of Representative Becker’s motion to amend:

Page 22, Line 852:

After “exemptions” insert a period and delete the rest of Item 1.

Refer to Item 2 of Representative Becker’s motion to amend:

Page 23, Line 890:

After “exemptions” insert a period and delete the rest of Item 2.

Representative Holdaway’s substitute motion to amend failed on a voice vote.

Representative Pace proposed a substitute motion to amend as follows:

Refer to Item 1 of Representative Becker’s motion to amend:

Page 22, Line 852:

After “evaluate restoring” insert “but not limited to,”

Refer to Item 2 of Representative Becker’s motion to amend:

Page 23, Line 890:

After “evaluate restoring” insert “but not limited to,”

Representative Pace’s substitute motion to amend passed on the following roll call vote:

Yeas, 46; Nays, 26; Absent or not voting, 3.

Voting in the affirmative were: Representatives

Aagard	Adair	Adams	Alexander
S. Allen	Anderson	Arent	Becker
Beshear	Bigelow	Biskupski	Bourdeaux
Bowman	Bradshaw	Buffmire	Buttars
D. Cox	Daniels	Dillree	Duckworth
Fife	Goodfellow	Gowans	Hansen
Harper	Hatch	Hendrickson	Hogue
B. Johnson	Jones	King	Litvack
McCartney	Morgan	Moss	Murray
Pace	Parker	Shurtliff	Siddoway
Styler	Swallow	Ure	Winn
Young	M. Stephens		

Voting in the negative were: Representatives

Barrus	Bennion	Bryson	Bush
D. Clark	S. Clark	Dayton	Donnelson
Ferrin	Ferry	Holdaway	E. Hutchings
Lockhart	Mascaro	Morley	Newbold
Peterson	Philpot	Ray	Saunders
Seitz	G. Snow	Thompson	Throckmorton
Urquhart	Wallace		

Absent or not voting were: Representatives

Beck	Curtis	Tyler
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Representative Alexander proposed the following amendment:

1. Page 2, Line 70:
After line 70 insert:
“From General Fund, one-time 35,000”
2. Page 2, Line 72:
Delete “(32,300)” and insert “(800)”
3. Page 2, Line 73:
Delete line 73
4. Page 3, Line 95:
Delete “2,550,000” and insert “3,550,000”
5. Page 3, Line 101:
Delete “(402,300)” and insert “(202,300)”
6. Page 3, Line 105:
Delete “(1,087,700)” and insert “(487,700)”
7. Page 3, Line 106:
Delete “(558,700)” and insert “(358,700)”
8. Page 4, Line 127:
Delete “50,000” and insert “100,000”
9. Page 4, Line 129:
Delete “(57,000)” and insert “(7,000)”
10. Page 5, Line 171:
After Line 171 insert:
“From General Fund, one-time 500,000”

11. Page 5, Line 177:
Delete “(879,200)” and insert “(379,200)”
12. Page 10, Line 371:
After line 371 insert:
“From General Fund, one-time 1,000,000”
13. Page 11, Line 395:
Delete “(379,000)” and insert “621,000”
14. Page 21, Line 831:
Delete “25,800” and insert “2,525,800”
15. Page 21, Line 833:
Delete “1,000” and insert “1,501,000”
16. Page 22, Line 835:
Delete “(33,200)” and insert “3,966,800”
17. Page 22, Line 836:
After line 836 insert:
“It is the intent of the Legislature that the Board of Regents exercise its discretion and distribute \$4,000,000 of this appropriation to higher education institutions.”
18. Page 27, Line 1041:
Delete “(290,600)” and insert “(2,390,600)”
19. Page 27, Line 1042:
After line 1042 insert:

“Schedule of Programs:
Planning and Project Services (2,100,000)”
20. Page 27, Line 1067:
Delete “100,000” and insert “150,000”
21. Page 27, Line 1069:
Delete “(68,000)” and insert “(18,000)”

Representative Alexander’s amendment passed on a voice vote.

On motion of Representative Curtis, the House voted to circle **H.B. 6001**.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker: December 18, 2002

The Senate passed, **H.B. 6005**, EDUCATION TESTING AMENDMENTS, by Representative M. Throckmorton, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.C.R. 601**, RESOLUTION RECOGNIZING CENTENNIAL OF MURRAY CITY, by Representative C. Bennion, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate

Communications filed. **H.B. 6005** and **H.C.R. 601** were signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

MISCELLANEOUS BUSINESS

On motion of Representative Ure, the House voted to move to the Senate Third Reading Calendar.

THIRD READING CALENDAR

S.B. 6004, USE OF ATTORNEY GENERAL FUND, read the third time by short title and placed on its final passage.

S.B. 6004 then passed on the following roll call:

Yeas, 66; Nays, 0; Absent or not voting, 9.

Voting in the affirmative were: Representatives

Aagard	Adair	Adams	S. Allen
Anderson	Arent	Barrus	Beck
Becker	Bennion	Beshear	Bigelow
Bourdeaux	Bowman	Bradshaw	Bryson
Buffmire	Bush	Buttars	D. Clark
S. Clark	D. Cox	Curtis	Daniels
Dillree	Donnelson	Duckworth	Ferrin
Ferry	Fife	Goodfellow	Gowans
Hansen	Harper	Hatch	Hendrickson
Holdaway	E. Hutchings	B. Johnson	Jones
King	Litvack	Lockhart	Mascaro
McCartney	Morgan	Morley	Moss

Murray	Newbold	Pace	Parker
Peterson	Philpot	Ray	Saunders
Seitz	Shurtliff	Siddoway	G. Snow
Swallow	Thompson	Urquhart	Wallace
Winn	Young		

Absent or not voting were: Representatives

Alexander	Biskupski	Dayton	Hogue
Styler	Throckmorton	Tyler	Ure
M. Stephens			

S.B. 6004 transmitted to the Senate for its consideration.

MISCELLANEOUS BUSINESS

On motion of Representative Hatch, the House voted to recess until 7:15 p.m.

Speaker Stephens called the House to order at 7:15 p.m.

* * *

On motion of Representative Curtis, under suspension of the rules, the House voted to move to the House Third Reading Calendar.

UNFINISHED BUSINESS

On motion of Representative Alexander, the House voted to uncircle **H.B. 6001**.

H.B. 6001, SUPPLEMENTAL APPROPRIATIONS ACT V, was before the House on its final passage.

On motion of Representative Alexander, the bill was amended as follows:

1. Page 22, Line 836:
Refer to previously passed amendments made by Representative Alexander.
Delete amendment 17 and insert:
“It is the intent of the Legislature that the Board of Regents exercise its discretion and distribute \$4,000,000 of this appropriation to higher education institutions. In determining how much, if any, to distribute to an institution, the Board of Regents shall consider: the mission of the institution; the impact of budget cuts on students; and the needs identified by the institution.”

H.B. 6001, as amended, then passed on the following roll call:

Yeas, 64; Nays, 9; Absent or not voting, 2.

Voting in the affirmative were: Representatives

Aagard	Adair	Adams	Alexander
S. Allen	Anderson	Barrus	Bennion
Bigelow	Biskupski	Bourdeaux	Bowman
Bradshaw	Bryson	Buffmire	Bush
Buttars	D. Clark	S. Clark	D. Cox
Curtis	Dillree	Donnelson	Duckworth
Ferrin	Ferry	Fife	Goodfellow
Gowans	Hansen	Hatch	Hendrickson
Hogue	Holdaway	E. Hutchings	B. Johnson
Jones	King	Litvack	Lockhart
Mascaro	McCartney	Morgan	Morley
Moss	Murray	Newbold	Pace
Parker	Peterson	Philpot	Saunders
Seitz	Shurtliff	Siddoway	G. Snow
Styler	Swallow	Thompson	Urquhart
Wallace	Winn	Young	M. Stephens

Voting in the negative were: Representatives

Arent	Beck	Becker	Beshear
Daniels	Dayton	Harper	Ray
Throckmorton			

Absent or not voting were: Representatives

Tyler	Ure
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H.B. 6001, as amended, transmitted to the Senate for its consideration.

UNFINISHED BUSINESS

On motion of Representative Morgan, the House voted to uncircle **H.B. 6003**.

H.B. 6003, USE OF TOBACCO PERMANENT TRUST FUND, was before the House on its final passage.

On motion of Representative Morgan, the bill was amended as follows:

1. Page 1, Line 5:
Delete "\$26.4 million" and insert "\$21,135,000"

2. Page 1, Line 13:

Delete “\$26.4 million” and insert “\$21,135,000”

H.B. 6003, as amended, then passed on the following roll call:

Yeas, 72; Nays, 0; Absent or not voting, 3.

Voting in the affirmative were: Representatives

Aagard	Adair	Adams	Alexander
S. Allen	Anderson	Arent	Barrus
Beck	Becker	Bennion	Beshear
Bigelow	Biskupski	Bourdeaux	Bowman
Bradshaw	Bryson	Buffmire	Bush
Buttars	D. Clark	S. Clark	D. Cox
Curtis	Daniels	Dillree	Donnelson
Duckworth	Ferrin	Ferry	Fife
Goodfellow	Gowans	Hansen	Harper
Hatch	Hendrickson	Hogue	Holdaway
E. Hutchings	B. Johnson	Jones	King
Litvack	Lockhart	Mascaro	McCartney
Morgan	Morley	Moss	Murray
Newbold	Pace	Parker	Peterson
Philpot	Ray	Saunders	Seitz
Shurtliff	Siddoway	G. Snow	Styler
Swallow	Thompson	Throckmorton	Urquhart
Wallace	Winn	Young	M. Stephens

Absent or not voting were: Representatives

Dayton	Tyler	Ure
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H.B. 6003, as amended, transmitted to the Senate for its consideration.

COMMUNICATION FROM THE SENATE

Mr. Speaker: December 18, 2002

The Senate passed, **1st Sub. H.B. 6004**, SALES AND USE TAX AMENDMENTS, by Representative G. Curtis, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore

Secretary of the Senate

Communication filed. **Sub. H.B. 6004** was signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

COMMUNICATIONS FROM THE SENATE

Mr. Speaker: December 18, 2002

The Senate passed, **H.B. 6003**, USE OF TOBACCO PERMANENT TRUST FUND, by Representative K. Morgan, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore
Secretary of the Senate

Communication filed. **H.B. 6003** was signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

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Mr. Speaker: December 18, 2002

The Senate passed as amended, **H.B. 6001**, SUPPLEMENTAL APPROPRIATIONS ACT V, by Representative J. Alexander, and it is transmitted for further consideration with the following amendments:

1. Page 12, Line 451:
After Line 451 insert:
“ITEM 62.5 To General Fund, one time
From Industrial Assistance Fund 1,000,000
Schedule of Programs:
General Fund, one-time 1,000,000”
2. Page 12, Line 473:
After Line 473 insert:
“From General Fund, one-time 1,000,000”
3. Page 13, Line 475:
Delete “(25,400)” and insert “974,600”
4. Page 13, Line 482:
After line 482 insert:
“It is the intent of the Legislature that \$1,000,000 be used for economic ecosystems in Health Informatics.”
5. Page 22, Line 852:
After Line 852 (Lilac copy) delete:
“It is the intent of the Legislature that, in the 2003 annual general session, the Legislature consider and evaluate restoring, but not limited to, the cuts made in this line item by repealing and reducing certain

sales and use tax exemptions, including considering and evaluating:

(1) repealing sales and use tax exemptions for:

- (a) sales of food, beverage, and dairy products from vending machines;
- (b) sales of food products and related services to commercial airline carriers for in-flight consumption;
- (c) sales of media by producers, distributors, or studios to a commercial broadcaster or exhibitor;
- (d) sales or use of property, materials, or services used in pollution control facilities;
- (e) sales of newspapers or newspaper subscriptions;
- (f) sales to a ski resort of electricity to operate a passenger ropeway;
- (g) sales of certain equipment or passenger ropeways to a ski resort;
- (h) sales or rentals of coin-operated amusement devices; and
- (j) sales of cleaning or washing of tangible personal property by a coin-operated car wash machine; and

(2) reducing sales and use tax exemptions for:

- (a) sales of certain machinery, equipment, and replacement parts used in manufacturing;
- (b) sales of tooling, equipment, or parts used in certain aerospace or electronics contracts with the United States government;
- (c) sales of certain items used to package tangible personal property; and
- (d) sales of natural gas, electricity, heat, coal, fuel oil, or other fuels for industrial use.”

5. Page 23, Line 890:

After Line 890 (Lilac) delete:

“It is the intent of the Legislature that, in the 2003 annual general session, the Legislature consider and evaluate restoring , but not limited to, the cuts made in this line item by repealing and reducing certain sales and use tax exemptions, including considering and evaluating:

(1) repealing sales and use tax exemptions for:

- (a) sales of food, beverage, and dairy products from vending machines;
- (b) sales of food products and related services to commercial airline carriers for in-flight consumption;
- (c) sales of media by producers, distributors, or studios to a commercial broadcaster or exhibitor;
- (d) sales or use of property, materials, or services used in pollution control facilities;
- (e) sales of newspapers or newspaper subscriptions;
- (f) sales to a ski resort of electricity to operate a passenger ropeway;

- (g) sales of certain equipment or passenger ropeways to a ski resort;
- (h) sales or rentals of coin-operated amusement devices; and
- (j) sales of cleaning or washing of tangible personal property by a coin-operated car wash machine; and
- (2) reducing sales and use tax exemptions for:
 - (a) sales of certain machinery, equipment, and replacement parts used in manufacturing;
 - (b) sales of tooling, equipment, or parts used in certain aerospace or electronics contracts with the United States government;
 - (c) sales of certain items used to package tangible personal property; and
 - (d) sales of natural gas, electricity, heat, coal, fuel oil, or other fuels for industrial use.”

Annette B. Moore
Secretary of the Senate

Communication filed. On motion of Representative Alexander, the House voted to concur in the Senate amendments to **H.B. 6001**.

H.B. 6001, as amended by the Senate, then passed on the following roll call:

Yeas, 57; Nays, 14; Absent or not voting, 4.

Voting in the affirmative were: Representatives

Aagard	Adair	Adams	Alexander
S. Allen	Anderson	Barrus	Bennion
Bigelow	Biskupski	Bourdeaux	Bowman
Bradshaw	Bryson	Bush	Buttars
D. Clark	D. Cox	Curtis	Dillree
Donnelson	Ferrin	Ferry	Fife
Goodfellow	Gowans	Hatch	Hendrickson
Hogue	Holdaway	E. Hutchings	B. Johnson
Jones	King	Lockhart	Morgan
Morley	Moss	Murray	Newbold
Pace	Parker	Philpot	Saunders
Seitz	Shurtliff	Siddoway	G. Snow
Styler	Swallow	Thompson	Throckmorton
Urquhart	Wallace	Winn	Young
M. Stephens			

Voting in the negative were: Representatives

Arent	Beck	Becker	Beshear
Buffmire	Daniels	Dayton	Duckworth
Hansen	Harper	Litvack	Mascaro
McCartney	Ray		

Absent or not voting were: Representatives

S. Clark	Peterson	Tyler	Ure
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H.B. 6001, as amended by the Senate, transmitted to the Senate for signature of the President.

MISCELLANEOUS BUSINESS

On motion of Representative Hatch, the Speaker was authorized to appoint a committee to wait upon the Senate and inform that Honorable Body that the House has completed its business and is ready to adjourn sine die. Speaker Stephens appointed Representatives Throckmorton, Young, and Arent.

On motion of Representative Arent, the Speaker was authorized to appoint a committee to wait upon the Governor to inform His Excellency that the Legislature has completed its business and is ready to adjourn sine die. Speaker Stephens appointed Representatives Siddoway, Fife, and Hatch.

Representative Siddoway waited upon the Governor and reported that His Excellency had no further communication for the Legislature.

Representative Throckmorton waited upon the Senate and informed that Honorable Body that the House was ready to adjourn sine die.

Senators Evans, Hellewell, and Mayne formally notified the House of Representatives that the Senate had completed its business and was prepared to adjourn sine die.

On motion of Representative Hatch, the Sixth Special Session of the 54th Legislature adjourned sine die.

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